57

APPENDIX.

OPINION OF THE CIRCUIT COURT OF APPEALS FOR THE 1st CIRCUIT IN ALEMITE V. LUBRAIR (62 FED. 2nd, 899).

January 3, 1933.

MORTON, J.:

This is a suit for contributory infringement of Patent No. 1,307,734 to Gullborg for lubricating means dated June 24, 1919. Only two claims are in suit, numbers 14 and 15. In the District Court the plaintiff moved for a temporary injunction on a record made up of *ex parte* affidavits filed by both sides, and various patents, drawings, and documents relating to the art. The District Judge denied the motion and the plaintiff appealed from the refusal to grant the injunction (Judicial Code, Sec. 129; 28 U. S. C. A., Sec. 227).

The objects of the invention are stated to be "to provide novel *coupling* (italics mine) means for connecting the grease-gun with parts to be lubricated," "to provide novel means for effectively sealing the joint between the coupling members," "to provide novel coupling members to be primariiy secured to the parts to be lubricated," and certain other objects which are at present immaterial. Gullborg also invented a grease-cup which was patented to him on the same date, June 24, 1919, the patent number 1, 307,733. The grease-gun described in the patent in suit has novel features and is designed to be used in connection with the grease-cup shown in the other patent.

At the time when Gullborg entered the field, pressure lubrication, by means of a grease-cup on the part to be lubricated and a grease-gun having a flexible connection adapted to engage the grease-cup, was well known. What Gullborg invented was an improved form of grease-cup, shown in the other patent to him, and an improved grease-gun to be used with his improved cup. The inventions were obviously by no means of primary character.

Pressure lubrication has become almost universal on automobiles. All leading makes of them are equipped with grease-cups adapted to be used with grease-guns. The defendant does not make or sell grease-*cups*. It makes and sells grease-*guns;* and it supplies them with a fitting which will engage the Gullborg cup but is not within the Gullborg patent. For present purposes the defendant's device may be regarded as something which *per se* anybody has the right to make and sell.

The claims in suit read as follows:

14. "The combination with a grease-cup comprising a tubular member having one end flanged inwardly to provide a closure seat, a closure, a pin extending through said tubular member and from both sides thereof, and a spring confined between said pin and closure, and tending to hold said closure on its seat, of a grease pump having a discharge conduit, and means coacting with the ends of said pin for detachably connecting the discharge end of said conduit with said grease pump."

15. "The combination with a grease-cup comprising a tubular member having a closure seat, a closure, a pin extending through said tubular member and from both sides thereof, and a spring confined between said pin and closure, and tending to hold said closure on its seat, of a grease pump having a discharge conduit, and means coact-

ing with the ends of said pin for detachably connecting the discharge end of said conduit with said grease-cup."

The gist of these claims is a combination of the Gullborg grease-cup patent 1,307,733 with any grease-gun. In other words, the plaintiff's contention is in effect that, if the owner of an automobile equipped with the Gullborg grease-cups buys and uses the defendant's grease-gun on them, he thereby creates the combination of the Gullborg patent in suit, and the defendant is liable for contributory infringement for supplying the grease-gun.

The important question is whether the combination of Gullborg's grease-cup with any grease-gun makes a patentable combination. In *Bassick Mfg. Co. v. Adams Grease Gun Corp.*, 52 Fed. (2d) 36 (C. C. A. 2), it was decided that this combination was patentable, reversing Judge Thacher, 26 Fed. (2d) 722, 724; 39 Fed. (2d) 904. Judge Westenhaver in the Northern District of Ohio, and Judge Hickenlooper in the Southern District of Ohio, made decisions on the question in accord with Judge Thacher's (Northern District, Eastern Division, Adjudication Book, Vol. 1, p. 11; Southern District, Western Division, Adjudication Book, Vol. 1, pages 43-44). **In Lyman Mfg. Co. v. Bassick Mfg. Co., 18 Fed. (2d) 29 (C. C. A. 6), the question was left open, with an intimation that such a combination would not be patentable.** In *Bassick Mfg. Co. v. United Grease Gun Corp.*, 40 Fed. (2d) 549, Judge Campbell in the District Court sustained the broad interpretation of claims 14 and 15. The patent has been much litigated and there are other decisions which it is unnecessary to refer to. The Supreme Court of the United States granted certiorari to the decision in *Bassick Mfg. Co. v. Adams, supra* (285 U. S. 531), but the case was settled before being heard. In the conflict of judicial opinion we feel free to follow our own views.

The Gullborg grease-cup is a separate invention, an independent entity. As above stated, it is the subject of a separate patent to him, and is fully covered by claims in that patent. It is not covered by any claim of the patent in suit, except as an element in a combination. The purpose of the Gullborg grease-cup is to afford a means of getting a lubricant under pressure into a bearing; it can be used with other kinds of grease-guns than those having the improved coupling of the patent in suit. The patent states that the Gullborg coupling operates somewhat differently and more efficiently than other couplings.

The ultimate question is whether, given this grease-cup, it would be a patentable invention to combine it with a grease-gun. "Claims are independent inventions" (*Leeds & Catlin v. Victor Talking Machine Co.*, 213 U. S. 301, 319). As has been said, pressure grease-cups were old in the art. All of them were intended to be used with a grease-gun, which could be temporarily connected to supply lubricant. **The combination of a Gullborg grease-cup with an unpatented grease-gun has no new action or advantage, except such as is furnished by the improved grease-cup.** It lacks the more effective action of the Gullborg cup and Gullborg gun. **Given the Gullborg cup we are unable to see any invention in combining it with a grease-gun, except perhaps with the Gullborg gun. The claims in suit seem to us clearly invalid unless restricted to such a combination.** In any event, the combination of the Gullborg cup with a grease-gun was within the scope of the patent on the cup, not of the patent on the improved gun. The case seems to us similar in principle to *Heald v. Rice*, 104 U. S. 737; *Underwood v. Gerber*, 149 U. S. 224; *Morgan Envelope Co. v. Albany Perforated Wrapping Paper Co.*, 152 U. S. 425, and *Carbice Corp. of America v. American Patents Development Corp.*, 283 U. S. 27. In the lower courts, *Edison*

Electric Light Co. v. Peninsular Light, Power & Heat Co., 101 Fed. 831, and *Radio Corp. of America v. Lord*, 28 Fed. (2d) 257; certiorari denied, 278 U. S. 648.

In *Heald v. Rice, supra,* at 755, it is said: "He uses Morey's device precisely as Morey's patent contemplated, and the Cornish boiler exactly as it was designed it should be used. And in the combination each operates separately, producing its own results. There was no inventive resource drawn upon to bring them together. Could not the owners of the patents for the straw-feeding attachment and return-flue boiler unite their machines and work them together, in defiance of a claim for the combination? To ask the question is to answer it. Yet the case supposed does not differ from the case as it exists; for the *public* owned the right to the Cornish boiler, and was entitled to every use to which a *patentee* (italics mine) owning it might lawfully apply it." Matthews, J. In *Underwood v. Gerber, supra,* one question was whether the *combination* of a newly-invented *coating* for making carbon paper (such as is used in typewriters), with *paper,* constituted a patentable claim. It was held it did not In *Morgan Envelope Co. v. Albany Paper Co., supra,* one claim in question was for a combination of the *toilet paper roll* described in a former patent, with *mechanism for the delivery* of the paper to the user in an economical manner. It was said: "No question is made but that the mechanism of these patents, by which the paper is served out to the user, involves a patentable novelty" (page 430). "The first defense raises the question whether, when a machine is designed to manufacture, distribute, or serve out to users a certain article, the article so dealt with can be said to be a part of the combination of which the machine itself is another part" (page 431). The question was not expressly decided, but the Court apparently regarded such a combina-

tion as unpatentable. **In our opinion the claims in suit must be restricted to the specific combination shown in the plaintiff's patent, i. e., to the combination of the Gullborg grease-cup with the Gullborg gun of the patent in suit. As so construed, the defendant does not infringe.**

The doubt about our conclusion is created by *Leeds & Catlin v. Victor Talking Machine Co., supra.* In that case one Berliner invented a new method of reproducing sounds by means of a new form of disc, which caused the reproducing stylus to move horizontally instead of vertically. He claimed this disc in combination with a reproducing stylus and machinery for propelling the disc—the well-known talking machine. The facts are not very clear, either in the report referred to, or in the reports of the case in the lower court. Apparently, the disc was not patented *per se;* nor was the machine, on which the disc was used, patented. The plaintiff relied on the combination claim as above stated. Leeds & Catlin manufactured discs (as they had the right to do) and sold them for use in machines which completed the combination of the claim. It was held that they were contributory infringers. In that case, the Court was dealing with a basic invention and with the means used to carry it out. The disc was useless except in combination with the reproducing mechanism. It was the combination which produced the result, and carried out the invention of the patent—a very different situation from that presented here where the combination alleged to infringe accomplishes no new result. The broad expressions in the opinion are to be read with the facts in mind, and as limited by the *Carbice Corp. case, supra.*

It is probable that under the Clayton Act (38 Stats. 730, Sec. 3) the plaintiff would not be permitted to impose as a condition of its licenses that its own grease-gun should be used with the Gullborg grease-cup—an indication of

public policy which furnishes a reason for not construing the patent to accomplish that result unless the law so requires. This is probably so irrespective of the statute. See *Carbice Corp., supra; United Shoe Machinery Company v. United States,* 258 U. S. 451-465, and *Radio Corp. of Am. v. Lord, supra.* It is highly undesirable that patents should be so construed and upheld as to give a monopoly on other things besides the subject-matter of the invention. *Carbice Corp., supra.* In our opinion the law of contributory infringement has been carried quite far enough in the public interest. We are not disposed to extend it. As Judge Lowell said in the District Court, referring to the plaintiff's contention, "It isn't what the patent was meant to be. It is contrary to the idea of patents." From what has been said, it follows that in our opinion the District Judge was right in refusing to grant the injunction.

The final question is whether the case should be left to go to final hearing, or whether we should dispose of it on the record before us. It is not like a new patent. We have the advantage of many previous decisions in which it has been discussed, and the questions before us have been considered and decided by other Courts. It is not improbable that the questions presented will have to be settled eventually by the Supreme Court, as is indicated by the grant of certiorari in *Adams Grease Gun Corp. v. Bassick, supra,* 285 U. S. 531. The evidence before us on the question of the validity of the claims in suit appears to be complete. Our view, whether right or wrong, is clearly held. On the facts before us, the plaintiff's case is in our opinion unmeritorious and the bill ought to be dismissed. Such action ought not, however, to be taken as long as there is any question as to the practical completeness of the plaintiff's evidence. We will deal with the matter as we did in

Vulcan Soot Cleaner Co. v. Amoskeag Mfg. Co., 255 Fed. 88.

The present appeal is dismissed with costs to the appellee.

Unless within ten days the plaintiff suggests to this Court that it desired to present in the District Court further, specified proofs to meet our present findings on the merits, an order will also direct the District Court to enter a final decree dismissing the bill with costs to the defendant. If such suggestion is made, the additional proofs which the plaintiff desires to present will be considered, and we will then determine what the final disposition of the case should be.

Decree accordingly.

PLAINTIFF'S SUGGESTIONS OF FURTHER PROOFS IN ALEMITE v. LUBRAIR (62 Fed. 2nd 899).

Now comes the plaintiff, Alemite Corporation, pursuant to the opinion of this court, dated January 3, 1933, and suggests the submission before the District Court of evidence in the form of certified copies of records, expert testimony, demonstrations, models, and paper and physical exhibits, to establish the further proofs specified herein as follows:

(1) That the requirements for a successful lubricating system of the Gullborg type for automobiles are extremely onerous; that they include the provision of fittings, compressor and coupler means that can be connected and disconnected rapidly and successively many times without undue fatigue; that the fittings must be of small size and adapted for application to all of the chassis bearings; that the coupler and fittings must be of small size and adapted

for application to all of the chassis bearings; that the coupler and fitting must be capable of use by people with no mechanical training or ability and must be capable of effecting in their hands a perfect and automatic seal capable of withstanding thousands of pounds of lubricant pressure; that this seal must be maintained unimpaired throughout the operation of the lubricant compressor; and that the prior art does not meet these requirements and could not be made to do so without the exercise of invention.

(2) That the devices shown in the three patents referred to in the defendant's brief and in the defendant's oral argument; *i. e.*, British patent to Alley, No. 21,893; Winkley reissue Patent No. 14,667; and Snyder and Reed Patent No. 1,041,524, are incapable of meeting these requirements; and that they were never used for this purpose prior to the advent of the Gullborg lubricating equipment.

(3) That the British patent to Alley is merely a device for eliminating the old method of filling grease-cups by hand; that it was not intended to force lubricant under pressure to bearings; that it does not have sealing means capable of preventing the escape of lubricant under high pressure; that it could not be used to reach many of the bearings on an automobile chassis; that the screw-threaded type of connection between the nipple and compressor shown in Alley's drawing would be tedious to operate and unsuitable for the lubrication of automobiles; that the Alley device could not be successfully produced commercially with a bayonet joint capable of withstanding high pressure; and that the device shown in this Alley patent could not be changed into a satisfactory lubricating system of the Gullborg type without complete reconstruction and the exercise of invention.

(4) That the device shown in the Winkley patent relies upon a spring-pressed sealing member to prevent leakage between the grease-gun and the fitting; that, if the spring for this member were made strong enough to withstand the pressure which the defendant advertises its gun will produce, it would be impossible to connect Winkley's coupler and fitting without the use of special tools; and that the Winkley device could not be adapted for use with high pressure guns of the defendant's type without complete reconstruction and the exercise of invention.

(5) That the device shown in the Snyder and Reed patent is intended to fill gear casings and similar housings for holding a large quantity of lubricant; that the tip or tube 12 formed on the end of the hose of the grease-gun shown in this patent is not intended or adapted for making a lubricant tight seal with a fitting attached to a bearing; and that the device shown in this patent could not be reconstructed to correspond to the claims in issue without the exercise of invention.

(6) That the prior art couplings designed for use with garden hoses, flexible pipe connections for the heating systems of trains, fire hoses and similar purposes, are intended for use under circumstances entirely different from those obtaining in the high pressure lubrication of automobile bearings; and that these prior art hose couplings are not adapted for high pressure greasing systems and could not be modified to adapt them for such use without the exercise of invention.

(7) That the defendant's coupler is different from any coupler known to the art prior to Gullborg; and that the defendant's coupler incorporates improvements taught by Gullborg's invention.

(8) That the invention of the claims in issue is peculiarly adapted to the lubrication of the bearings of automobiles under high pressures of the order developed by the defendant's gun; that a new result is attained when Gullborg's pin-fitting is connected with a non-suction effect bayonet coupler and high pressure grease-gun; that the prior art structures are not so adapted and were never so used; and that the prior art structures could not be so used on a commercial basis without radical reorganization requiring a high degree of invention.

(9) That the art prior to Gullborg fails to disclose a bayonet joint connection adapted for commercial exploitation in equipment for lubricating automobiles and capable of withstanding the pressures developed by defendant's grease-gun.

(10) That the Gullborg equipment was first introduced on the market in a small way without the aid of strong financial backing or extensive advertising; that the Gullborg equipment immediately attained great commercial success in spite of the fact that it cost more than the equipment which it replaced; and that this success was due solely to the merit of the equipment and not to high pressure salesmanship.

(11) That the file-wrappers and contents of Gullborg Patents Nos. 1,307,733 and 1,307,734 show that the claims in issue were originally presented and allowed in the application which resulted in Patent No. 1,307,733; that the Patent Office intended these claims to be of sufficient breadth to protect the combination disclosed in Gullborg Patent 1,307,733; and that these claims should not be limited to the details of the coupler disclosed in patent 1,307,734.

(12) That when the Court of Appeals for the Sixth Circuit rendered its decision in *Lyman Manufacturing Company v. Bassick Manufacturing Company,* 18 Fed. 2, 29, it had before it non-suction effect couplers made by The O. K. Manufacturing Company; that these non-suction effect couplers were enjoined by the decree entered by his Honor Judge Hickenlooper of the District Court pursuant to the mandate of the Court of Appeals for the Sixth Circuit; and that this opinion ofthe Sixth Circuit Court of Appeals supports the broad interpretation of claims 14 and 15 of Gullborg Patent 1,307,734 which is urged by the plaintiff.

Attention is directed to the fact that the defendant's answer sets up a counter-claim charging the plaintiff with infringement of United States letters patent to Evans, No. 1,634,458, and that a final hearing in the District Court will be necessary to determine the merit of this counter-claim. It is submitted that the plaintiff should be permitted to introduce the foregoing proofs at this final hearing.

Respectfully submitted,

LYNN A. WILLIAMS,
Attorney for Plaintiff.

OPINION OF THE COURT ON PLAINTIFF'S SUGGESTION OF FURTHER PROOFS IN ALEMITE v. LUBRAIR.

January 31, 1933.

PER CURIAM:

The further proofs suggested by the plaintiff do not affect the points on which our decision rested. It is, however, possible that if, as seems not unlikely, the case should go to the Supreme Court, that court might find them more significant than we do. We are, therefore, of opinion that the case should stand for final hearing in the District Court, which hearing should be held at the earliest practicable time and without regard to engagements of counsel in cases outside this Circuit.

The decree of the District Court is affirmed with costs to the appellee.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1935

No. 31.

G. S. ROGERS, doing business as **REX DUPLEX FITTING COMPANY**, and **R. W. DUSENBERRY**,
Defendant-Petitioners.

vs.

ALEMITE CORPORATION,
Plaintiff-Respondent.

BRIEF ON BEHALF OF PLAINTIFF-RESPONDENT.

LYNN A. WILLIAMS,
ALBIN C. AHLBERG,
Counsel for Plaintiff-Respondent,
2300 Board of Trade Building,
Chicago, Illinois.

Eastman Bros., Inc., Law Printers, 542 S. Dearborn St., Chicago.

INDEX AND SUMMARY OF ARGUMENT.

I. The petitioners now tacitly concede the correctness of the decisions of the lower courts upon the *only* question which was in issue before them, but they now invite this court to consider and decide some new issues which were never pleaded, never argued or decided in the lower courts, and never made the subject of the petition for writ of certiorari 1

II. A detailed showing of the *de novo* character of the case now attempted to be presented in this court upon questions formally abandoned or not pleaded or not raised or discussed or decided in the lower courts, or not in any event available in defense to a claim of patent infringement 11

1. The petitioners' complete abandonment in this court of the only defense which was in issue in the District Court 11

A brief résumé of all of the testimony taken at the trial 13

Plaintiff's testimony 13
Don Alexander 14
Robert H. Kidd 14
Marvin Walkow 15
Edwin J. Balluff 16
Nelson Cornell 17
M. K. Ulrich 17
Thomas H. Bryson 17
Elwood Hansmann 18

Defendant's testimony 19
Patrick C. Gasparin 19
R. W. Dusenberry 19
J. Roy Van Kirk 20
C. L. W. Trinks 20
Don Alexander 20
Elwood Hansmann 21

This resume of the testimony reveals that none of the issues now asserted in this court was presented to the trial court..... 21

2. In the District Court and in the Court of Appeals, the petitioners expressly admitted the validity of the claims of the Gullborg patent in suit; this court is asked *de novo* to find that this Gullborg patent is not valid..... 22

This court will not pass upon an afterthought issue not raised or considered in the lower courts and urged in this court for the first time 25

This court will not consider a question not raised in and by the petition for writ of certiorari 27

3. The petitioners contend in this court for the first time that they were impliedly licensed by the plaintiff-respondent. This defense of "license" was not pleaded. Neither party offered any evidence relative to it. Neither the District Court nor the Court of Appeals was asked to consider it..... 28

The Supreme Court will not consider a defense which has not been pleaded..... 32

4. This court will not consider the petitioners' contention that the plaintiff's use of its patent "is violative of the spirit and letter of the Anti-Trust Laws and particularly Section 3 of the Clayton Act, 38 Stat. L. 731," because (1) this defense was not pleaded, (2) neither party offered nor had an opportunity to offer any evidence relative to it, and (3) alleged violations of the Anti-Trust Laws may not be urged as a defense to a claim of patent infringement..... 32

5. The grounds upon which the petitioners now urge "non-infringement" in this court are entirely different from those upon which they urged "non-infringement" in the lower courts..... 35

III. There is no merit in any of the petitioners' new theories of non-infringement; which theories are presented to this Court for the first time during the course of this suit 36

The invention and claims of the Gullborg patent in suit 36

The infringing mechanisms and the application of claims 1, 2, 3, 4 and 8, and the application of claims 14 and 15 thereto 44

No court is warranted in rewriting a patentee's combination claims to incorporate additional elements which the patentee chose not to include 47

1. Petitioners' theory of "non-infringement," if sustained, would limit every patent to precisely that which is illustrated, and that alone 51

2. There is no warrant for the application of the petitioners' new theory that the Court should relieve the defendant-petitioners of liability for infringement "by giving the generic reference to the old devices in the claims such a limited interpretation as would exclude from their scope the defendants' admittedly old (*sic*) devices" 54

Petitioners' assertion that Gullborg patent in suit No. 1,307,734 must be narrowly interpreted (or held invalid!) in view of the issue of another patent No. 1,307,733 to the same Gullborg on the same day, is utterly unwarranted 55

No "file-wrapper" estoppels exist or are even alleged to exist 65

3. The defendant-petitioners' third theory of "non-infringement" is wholly new in this court. It is non-existent in the law of patents. It is not found in or supported by the cited authorities. It is repugnant to established law, and incapable of application 66

IV. A general answer to the petitioners' generalities 77
V. Comment relative to petitioners' brief 82
VI. In conclusion 86

Cases Cited.

Albert Klein *v.* Nathan C. Russell, 86 U. S. 433, 463, 22 L. Ed. 116, 124 26
Alemite *v.* Lubrair, 62 Fed. (2d) 899 83
Alice State Bank *v.* Houston Pasture Company, 247 U. S. 240, 62 L. Ed. 1096, 1098 28
Backstay Machine & Leather Co. *v.* Hamilton, 262 Fed. 411 85
Badger *v.* Ranlett, 106 U. S. 255, 258, 27 L. Ed. 194, 196 25
Bassick *v.* Adams Grease Gun Corporation, 52 Fed. (2d) 36 21
Bassick *v.* Ready Auto Supply Company, 22 Fed. (2d) 331 21
Bassick *v.* United Grease Gun Corporation, 40 Fed. (2d) 549 21
Bates *v.* Coe, 98 U. S. 31, 47, 25 L. Ed. 68, 74 32
Benjamin F. Johnson *v.* Manhattan Railway Co., 289 U. S. 479, 494, 77 L. Ed. 1331, 1343 27
Ben W. Steele *v.* J. H. Drummond, 275 U. S. 199, 203, 72 L. Ed. 238, 239 27
Bresnahan et al. *v.* Tripp, 102 Fed. 899, 900 51
Brown *v.* Guild, 90 U. S. 181, 221, 23 L. Ed. 160, 169 53
Brown Saddle Co. *v.* Troxel, 98 Fed. 620, 621 34
Carbice Corporation *v.* American Patents Development Corp., 283 U. S. 27 ..... 70, 74, 76, 85
Claude Neon Lights, Inc. *v.* Machlett & Sons, 27 Fed. (2d) 702 58
David Burnet *v.* Commonwealth Improvement Co., 287 U. S. 415, 417, 77 L. Ed. 399, 402 25
Dr. Miles Medical Co. *v.* Platt, etc., 142 Fed. 606, 610 34

Edison Electric Light Co. *et al. v.* Sawyer-Man Electric Co., 53 Fed. 592 34
Fraser *v.* Duffey *et al.*, 196 Fed. 900, 903 34
General Talking Pictures Corp. *v.* Stanley Co., 38 Fed. (2d) 355 30
George F. Potter et al. *v.* United States, 107 U. S. 126, 131, 27 L. Ed. 330, 332 32
George M. Wheeler *v.* John Sedgwick, 94 U. S. 1, 24 L. Ed. 31, 32 26
Gibbs *v.* Triumph Trap Co., 26 Fed. (2d) 312 58
Great Northern Railway Co. *v.* United States, 208 U. S. 452, 52 L. Ed. 567, 577 25
Green County *v.* Thomas' Executor, 211 U. S. 598, 53 L. Ed. 343, 345 25
Gunning *v.* Cooley, 281 U. S. 90, 98, 74 L. Ed. 720, 726 27
Harvey Hubbell, Inc. *v.* General Electric Co., 267 Fed. 564 70
Hathaway & Co. *v.* United States, 249 U. S. 460, 464, 63 L. Ed. 707, 709 25
Heald *v.* Rice, 104 U. S. 737 85
Houghton et al. *v.* Jones, 68 U. S. 702, 705, 17 L. Ed. 503, 504 26
Independent Baking Powder Co. *v.* Boorman, 130 Fed. 726, 727 35
Insurance Co. of Valley of Virginia *v.* Mordecai, 63 U. S. 111, 16 L. Ed. 329, 332 26
James C. Bell et al. *v.* Matthias Bruen, 42 U. S. 169, 187, 11 L. Ed. 89, 96 26
James C. Davis *v.* J. M. Currie, 266 U. S. 182, 183, 69 L. Ed. 234 27
Johns-Pratt Co. *v.* Sachs Co. *et al.*, 176 Fed. 738, 739 34
Kodel *v.* Warren Telechron, 62 Fed. (2d) 692 85
Langan *v.* Warren Axe & Tool Co., 184 Fed. 720 85
Leeds & Catlin *v.* Victor, 213 U. S. 301, 325 ..... 3, 67, 76
Lyman *v.* Bassick, 18 Fed. (2d) 29 ..... 21, 64, 67
Minnich *v.* Gardner, 292 U. S. 48, 53, 78 L. Ed. 1116, 1119 25
Morgan Envelope Co. *v.* Albany Perforated Wrapping Paper Co., 152 U. S. 425 ..... 70, 72